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Attorney for Defendant  
NEHEMIAH AVILA

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
NEHEMIAH AVILA,  
  
Defendant.

Case No.: 2:21-cr-00020-JAM

STIPULATION AND ~~PROPOSED~~ ORDER  
MODIFYING DEFENDANT'S CURFEW  
SPECIAL CONDITION OF RELEASE

Defendant Nehemiah Avila was released on pre-trial conditions following a hearing on a renewed bail motion held before Chief United States Magistrate Judge Kendall J. Newman on June 9, 2023. Chief Judge Newman ordered several Special Conditions of Release (ECF Docket Entry 79). These conditions included Special Condition of Release 15 requiring Nehemiah Avila to participate in an electronic monitoring location program and Special Condition 16 requiring Nehemiah Avila to submit to a "Home Detention" condition that he "remain inside [his]

ORDER MODIFYING PRE-TRIAL  
RELEASE CONDITIONS

1 residence at all times except for ... [specifically listed purposes such as employment, religious  
2 services, and attorney meetings].”

3       On September 19, 2023, United States Magistrate Judge Allison Claire approved a  
4 modification to Nehemiah Avila’s Special Conditions of Release. (ECF Entry 89). This  
5 modification order removed Special Condition 16, the “Home Detention” condition, and  
6 replaced it with a Curfew Condition. The Curfew Condition required Nehemiah Avila “to  
7 remain inside [his] residence Monday through Friday 8:00 p.m. to 6:00 a.m., and Saturday and  
8 Sunday from 6:00 p.m. to 8:00 a.m.” This stipulation requests modification of the Curfew  
9 Condition to impose a daily curfew from 8:00 p.m. to 6:00 a.m., removing the difference  
10 between weekday and weekend curfew hours.  
11

12  
13       The parties to this action, Plaintiff United States of America by and through Assistant  
14 United States Attorney Adrian Kinsella, and Defendant Nehemiah Avila by and through his  
15 attorney Todd D. Leras, stipulate as follows:  
16

- 17       1. Mr. Avila is supervised for compliance with his pre-trial release conditions by  
18 Pretrial Services Intensive Supervision Specialist Lorena Gallagher. Ms. Gallagher  
19 confirmed via email exchange with defense counsel and the prosecutor, dated  
20 December 20, 2023, that Mr. Avila remains in compliance with his release conditions.  
21 Mr. Avila requested modification of his Curfew Condition. To facilitate weekend  
22 visitation with his common law wife and two daughters who live at a separate  
23 location from Mr. Avila’s residence, he is requesting that Special Condition of  
24 Release 16 be modified to impose a daily curfew from 8:00 p.m. to 6:00 a.m. Ms.  
25 Gallagher indicated in her email that she has no objection to Mr. Avila’s request.  
26  
27

2. The government and defense counsel have no objection to modification of Special Condition Number 16 to impose a daily curfew from 8:00 p.m. to 6:00 a.m. The Curfew condition shall be monitored via the previously imposed electronic monitoring requirement, set out in Special Condition of Release 15, which remains in place.

The parties therefore request modification of Mr. Avila's Special Conditions of Release 16 to read as follows:

16. **"CURFEW.** You shall remain inside your residence daily from 8 p.m. to 6 a.m." All other general and special conditions of release previously ordered shall remain in full force and effect.

Assistant U.S. Attorney Adrian Kinsella has reviewed this stipulation and proposed order and authorized (via email) Todd Leras to sign it on his behalf.

DATED: December 22, 2023

By /s/ Todd D. Leras for  
ADRIAN KINSELLA  
Assistant United States Attorney

DATED: December 22, 2023

By /s/ Todd D. Leras  
TODD D. LERAS  
Attorney for Defendant  
NEHEMIAH AVILA

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**ORDER**

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that Special Condition of Release Number 16, imposing a Curfew (ECF Docket Entry 79) be replaced with the daily curfew from 8:00 p.m. to 6:00 a.m. as set out in this Stipulation between the parties.

All other general and special conditions of release imposed by this Court as to Defendant Nehemiah Avila shall remain in full force and effect.

IT IS SO ORDERED.

DATED: December 22, 2023

  
JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE

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